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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of

Inventors: Hiroshi SHIBATA, et al. Art Unit: 2874

Application No.: 10/849,257 Examiner: J. Stein

Filed: May 20, 2004

For: FORM VARIABLE MIRROR ELEMENT AND METHOD FOR  
PRODUCING FORM VARIABLE MIRROR ELEMENT AND  
FORM VARIABLE MIRROR UNIT AND OPTICAL PICK-UP

RESPONSE TO RESTRICTION REQUIREMENT

Assistant Commissioner of Patents  
Washington, DC 20231

Sir:

In response to the Restriction Requirement of August 10, 2004,  
Applicants hereby elect Group I, claims 1-14 and 18-19, with  
traverse.

Applicants respectfully request withdrawal of the Restriction  
Requirement. No unduly extensive or burdensome search would be  
required to examine the various claims of the noted Groups in the  
same application. MPEP §803 states:

"If the search and examination of  
an entire application can be made  
without serious burden, the  
Examiner must examine it on the  
merits even though it includes  
claims to distinct or independent  
inventions." (Emphasis added)

In the present case, the search for all pending claims together  
would not be burdensome.

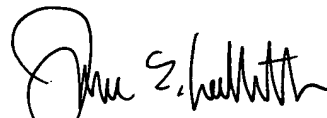
Moreover, from the standpoint of costs to the Applicants involved in filing, issuance and maintenance fees relating to separate applications if the present Restriction Requirement is maintained, it is clear that there is substantially more burden on Applicants by imposing the present Requirement than on the Patent Office if the Requirement were withdrawn.

In addition, it is noted that to require the claims of the various Groups to issue in separate patents would result in inconvenience to the public by necessitating reference to more than one patent during searching, to review closely related subject matter.

Therefore, withdrawal of the Restriction Requirement is warranted.

Reconsideration and withdrawal of the Restriction Requirement are respectfully requested.

Respectfully submitted,



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Date: November 14, 2005

JEL/ejw

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